

**WISCONSIN DEPARTMENT OF TRANSPORTATION
WISCONSIN DEPARTMENT OF CORRECTIONS
WISCONSIN DEPARTMENT OF HEALTH AND FAMILY SERVICES**

**EVALUATION OF ALTERNATIVES TO INCARCERATION
FOR REPEAT DRUNKEN DRIVING**

PHASE 2, PART 1: FOCUS GROUP RESULTS

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INTRODUCTION

Introduction

Study Background

This research project is being conducted as a result of the 1999 Wisconsin Act 109, Section 88 (1) that requires that:

“The departments of corrections, health and family services and transportation shall jointly study and evaluate the desirability of using treatment programs and other alternatives to incarceration as a way to reduce the length of incarceration or the need for incarceration of a person convicted of a 2nd or subsequent violation of operating a motor vehicle while under the influence of an intoxicant, controlled substance or other drug.”

At the request of the above mentioned departments, The Dieringer Research Group (The DRG), acting as an independent research consultant, has been contracted to conduct the research study. Russell G. Brooker, Ph.D. is the study’s principal researcher and author. Laura M. Cleary is the Project Manager. Richard W. Yob is the Account Manager. The DRG recommended the Study of Evaluation of Alternatives to Incarceration for Impaired Driving to be conducted in three phases, as outlined below.

Phase One: Secondary Data Collection/Case History Development

Phase Two: Primary Data Collection

Step One: Milwaukee and Madison, Wisconsin

Step Two: Green Bay, Superior, Wausau, Eau Claire, and La Crosse, Wisconsin

Step Three: 72 Wisconsin counties

Phase Three: Analysis/Interpretation of Study Findings

This document presents the findings of Step One of Phase Two.

Study Research Objectives

Phase One:

- Review available research literature, public policy and program issues of practices of alternatives to incarceration for repeat impaired driving offenders nationwide.
- Identify examples of best practices including detailed case study profiles.

Phase Two:

- Identify the practices currently being utilized in Wisconsin as alternatives to incarceration for repeat impaired driving offenders in these categories:
 - Identify the practices currently being used in Wisconsin to reduce repeat drunk driving.
 - Assess the effectiveness of various measures in reducing repeat drunk driving.
 - Learn about the characteristics of drunk drivers in Wisconsin.
 - Obtain insight and advice about reducing drunk driving.

Phase Three:

- Assess and evaluate the effectiveness of the various practices.

Introduction

For this Step One of Phase Two, The Dieringer Research Group, Inc. conducted four focus groups with experts on drunk driving. Two groups were held in Milwaukee on Wednesday evening, May 23, 2001; another two groups were held in Madison on Thursday evening, May 24, 2001.

A total of 41 experts on drunk driving participated in the focus group discussions. All of the focus group participants lived within driving distance of Milwaukee or Madison, although several in the Madison discussions lived in neighboring rural counties.

Focus group participants were intentionally selected so that each of the four groups was composed of people with a variety of jobs, with different perspectives on drunk driving. For example, the groups included prosecuting attorneys, defense attorneys, police officers, and treatment, counseling, and education professionals. The composition of the four groups is shown on the following table:

FUNCTIONAL AREAS OF FOCUS GROUP PARTICIPANTS				
Functional Areas	Milwaukee May 23, 2001		Madison May 24, 2001	
	1 6:00 p.m.	2 8:00 p.m.	3 6:00 p.m.	4 8:00 p.m.
Law Enforcement	X	X	X	X
Legislative/Court System – Defense	X	X	X	X
Legislative/Court System – Prosecution	X	X	X	X
Government/Public Health	X	X	X	X
Social Services	X	X	X	X
Corrections	X	X	X	X
Education	X	X	X	X
Treatment/Counseling Programs	X	X	X	X
Probation/Parole Agents	X	X	X	X
Correctional Product Vendor	X			
Advocate	X			X
Other		X	X	
Number of Participants	11	10	10	10

SUMMARY AND RECOMMENDATIONS



Summary and Recommendations

Summary

There were many areas of agreement, and a few areas of disagreement, among the focus group members. The main findings of the four focus groups are:

- The clear emphasis of the focus group members was that the laws and policies concerning drunk driving should aim at reforming the offender, not punishing him or her. Although everybody was in favor of some punishment, they made it clear that the ultimate goal of all drunk driving measures should be to restore the offenders to law-abiding non-drinking drivers.
- All of the focus group participants favored mandatory assessments of all drunk drivers, followed by the proper mix of punishment, treatment, and education. They said each offender should receive tailored sanctions, treatment, and education that would be most beneficial to him or her. Most, but not all, favored giving judges more discretion to handle offenders appropriately.
- The focus group members stressed the need for treatment and education. They said that offenders are unlikely to change simply by being punished.
- The focus group members tended to classify drunk drivers into two main categories—first and second-time offenders, and more frequent offenders. Although the groups did specify the differences between a drunk driver with one, two, three, four, or more offenses, they did generally differentiate between the drivers with only one or two and those with many offenses.

They said that typically, a driver with one or two offenses is a normal person with a job and family—somebody with something to lose. This type of driver is not accustomed to being involved in the criminal justice system and can be shocked by a short jail term. This type of driver can be very susceptible to corrective measures. The multiple repeat offender is less likely to have a job, a family, or a support system—and more likely to have “nothing to lose.” The persistent offender is more likely to have mental or emotional problems, and is less likely to think rationally, especially about alcohol. This type of driver is more likely to be accustomed to being in the criminal justice system and is less likely to be affected by jail terms or corrective measures in general.

- Every focus group participant favored the use of incarceration in fighting drunk driving. They all said that incarceration should be part of the measures that are available to deal with drunk drivers. Nearly everyone said that incarceration should be used with second-time offenders “to get their attention,” but very few suggested using incarceration with first-time offenders.
- They were reluctant to be vindictive. Although some said that the public has a right to expect that offenders be punished, they tended to oppose excessive incarceration that might cost offenders their jobs, and some opposed extremely high fines that made recovery harder for the offenders. They felt that these harsh measures contribute to a downward spiral, making it even harder for the offenders to overcome their problems.

Summary and Recommendations

- Generally, the focus group members were not very positive about the effects of fines for drunk driving. Most said that large fines do little good; the wealthy offenders just pay them, while the poor offenders do not pay them because they do not have the money. In addition, some said, extremely high fines keep offenders from getting their lives back together after treatment and education. However, nobody suggested getting rid of fines.
- The general consensus among focus group members was that intensive probation, with attentive case management, is vital to a good system to fight drunk driving. Many suggested using probation on second and third-time offenders.
- The focus group members were overwhelmingly negative about the effectiveness of sanctions aimed at offenders' driver's licenses. They said that suspending or revoking a driver's license can be effective for first-time offenders but is seldom effective for most offenders. They simply drive without the licenses.
- Many focus group members said that one good way to reduce repeat drunk driving is to stop the first offense. They suggested:
 - Make the severity of the penalties for the first offense more widely known.
 - Make the penalties for the first offense more severe.
 - Change people's attitudes so that drunk driving is perceived as a more serious offense.
- They discussed several other specific measures to fight drunk driving. Their general opinions on a series of measures were:
 - They thought Ignition Interlock Devices (IIDs) tend to be effective.
 - Most said that home confinement with electronic monitoring tends to be effective.
 - They said that Victim Impact Panels can be effective, especially for first and second-time offenders.
 - Some thought that public humiliation would be effective for first and second-time offenders, especially in rural areas where "everybody knows everybody."
 - Some favored special "zebra" license plates, and a few favored a special driver's license for drunk drivers.
 - The focus group members were mixed on the effectiveness of vehicle seizure. Some said it works, while others said it does not. Several said it costs more than it is worth.
 - The focus group members opposed vehicle immobilization. They said it was ineffective and difficult to implement.
 - They were divided on community service work. Some said that the offenders require too much supervision to do any meaningful work, but others said they have used public service work successfully for years.

Summary and Recommendations

Recommendations

Several recommendations can be derived from the four focus group discussions. Many of them are consistent with current Wisconsin policy, while others are not:

- Use treatment and education as much as possible. Offenders will not change their ways without some intervention.
- Customize sanctions, treatment, and/or education as much as possible to fit each individual OWI offender.
- Keep incarceration in the mix of possible sanctions for offenders with two or more OWI convictions.
- Continue using home electronic monitoring of offenders with two, three, or maybe four OWI convictions.
- Put most resources into punishing, treating, and/or educating the first-time and second-time offenders. They are the easiest offenders to influence. The state will get the “most bang for its buck” with these offenders.
- Make extensive use of intensive probation. Possibly include probation for second and third-time offenders.
- Continue using Ignition Interlock Devices (IIDs). They tend to be effective.
- Use vehicle seizure sparingly. Do not use vehicle immobilization.
- Continue driver’s license suspensions and revocations, including Administrative License Suspensions/Revocations. However, do not count on them to be very effective sanctions or deterrents for most of the OWI offenders.
- Continue imposing fines on drunk drivers. However, do not count on large fines to be very effective sanctions or deterrents for most OWI offenders.
- Consider the use of special “zebra” license plates or driver’s licenses.
- Continue using Victim Impact Panels and consider expanding their use.
- Address the issue of repeat drunk driving by trying to stop the first OWI offense:
 - Do a better job informing the public of OWI penalties, especially for the first offense. The public is not aware of the severity of the fines, and greater knowledge could have some deterrent value.
 - Increase penalties for the first OWI offense.
 - Try to change people’s attitudes so that drunk driving is perceived as a serious offense.

MAIN FINDINGS

Main Findings

Overall Perspectives of the Focus Group Participants

The focus group members approached the issue of alternatives to incarceration for repeat OWI (Operating While Intoxicated) offenders from the point of view of creating laws and policies that aim at reforming the offenders, not merely punishing them. Although everybody was in favor of some punishment, they made it clear that the ultimate goal of all drunk driving measures should be to restore the offenders to law-abiding citizens who don't drink and drive. It was clear that the focus group participants did not want to punish offenders beyond the point necessary to restore them as lawful citizens who don't drink and drive.

Many pointed out that swift and sure measures are very important. Offenders can “disconnect” the punishment, treatment, or education from the offense if it occurs too long after it. In addition, sometimes offenders have been arrested for a subsequent OWI offense before their previous offenses have been adjudicated.

The focus group members said that no one approach works for everybody, so policies should use a variety of approaches. The result will be that each approach will be effective for somebody, and together, they will be the most effective for the largest number of people. As one person said:

“What you’re looking for is to deter. Treatment would deter some. Fines would deter others.” (Group 4)

First and Second-Time Drunk Drivers vs. Habitual Drunk Drivers

Many focus group members pointed out that drunk drivers with one or two arrests tend to be much different from those with three or more arrests. Several said that the first or second offense is the most important offense because the authorities have an opportunity to intervene to prevent OWI from becoming a habit. Offenders who have only one or two offenses can still be dissuaded from driving while drunk, but habitual offenders are much harder to reach or affect. One man said:

“[Arrest] number two is critical. Either they stop or they are perennial. If the lesson is not learned at number two, then there’s no stopping them.” (Group 1)

Many pointed out that first-time and second-time offenders tend to have jobs and families—and generally, much to lose. They are usually normal citizens without criminal records. The fear of jail (for first-time offenders) or the experience of jail (for second-time offenders) tends to influence them to not drink and drive. On the other hand, multiple OWI offenders are less likely to have jobs, families, or other supports systems at home and are less likely to be shocked by incarceration. One person said that offenders with many OWI convictions:

“...have an attitude, ‘You’re not going to change me.’ Start it earlier. Scare them earlier. By the fifth offense, you’ve lost them. I’m not going to bother with them. If I have to warehouse them, fine.” (Group 1)

Main Findings

Some focus group participants said offenders with large numbers of OWI incidents are problem drinkers who are immune to rational consideration of penalties. Simply increasing the severity of penalties makes their lives harder without addressing the causes of drunk driving. For example:

“Rational penalties mean nothing to ‘chronics.’ Increasing penalties creates a downward spiral.” (Group 3)

Focus group members generally favored more resources being devoted to first and second-time offenders because they are the easiest to influence. However, some said they would devote the most intensive, and longest lasting, probation to the multiple OWI offenders with three or more offenses.

Although the moderator told the focus group members to concentrate on the repeat offenders, some of them said that the problem of repeat offenders could best be attacked before the drivers become second-time offenders. Harsher first-time punishments could work. Three people said:

“Focus on the first offense. You want to make it bitter. It must be quick. You can’t languish for a year.” (Group 1)

“We don’t have penalties that are strong enough. The first offense is the most important. That’s where we get them. Why don’t first offenders pay more?” (Group 4)

“Treating the first offense as civil trivializes the offense. Are we doing a disservice to society and the offender? If we were tougher the first time, maybe they would not recidivate.” (Group 4)

One person said that the state does not adequately inform the general public of the penalties of the first OWI conviction.

“We do a poor job of advertising of penalties.” (Group 1)

Some suggested making education part of the first offense.

“Get education before the second offense....If they go through education after the first, there might not be as many seconds. Try to change behavior.” (Group 2)

In addition, some focus group members said preventive measures could be taken, such as teen drinking prevention, and punishing teen OWI offenders more harshly. One person said:

“We should get something done for underage drinking. [Now there are] no assessments, no societal changes to de-normalize drinking and driving.” (Group 2)

Main Findings

The Importance of Assessment, Treatment and Education

Focus group members agreed that treatment and education are extremely important. Without them, merely using sanctions will not change offenders' behavior. One person favored combining education with incarceration:

"Incarceration shows the severity of [the OWI offense], but you can't make a lifestyle change with incarceration. You need education and treatment." (Group 2)

Treatment and education are particularly necessary for repeat OWI offenders; without some intervention, they will continue to be chronic offenders, impervious to rational arguments and sanctions. One person said that incarceration is not enough to change offenders:

"If incarceration worked, they wouldn't be coming back. If nothing is done, they are going back out there." (Group 1)

Focus group members said that pre-disposition services are important. It is a good idea to get to the offenders as soon as possible after the OWI stop. Several people pointed to the success of the Pretrial Intensive Supervision Program operating in Milwaukee County and nine other Wisconsin counties.

They agreed that assessments should be mandatory for all offenders, and treatment and education should be tailored to fit each individual as much as possible. Two people said that drunk driving needs to be considered from the point of view of being a disease.

"You have to enter a disease model into the equation. Once [the concept of] disease is in there, there is more you can do." (Group 3)

"These [drunk drivers] are people with serious substance abuse problems." (Group 1)

One person in Group 3 said that some drunk drivers have multi-faceted problems. According to this person, they are "psychiatrically undiagnosable."

One focus group member pointed out that some chronic drinkers are "self-medicating" for an underlying problem. They may lack the money or health insurance for a physician to diagnose their illnesses. If these offenders can get attention and proper diagnoses, they may be able to obtain the proper medication and stop their dependence on alcohol.

Some people said that health insurance companies should pay for more of the cost of AODA and other OWI treatment, especially when the need is for long-term treatment:

"It is a big step in the right direction to have the private sector kick in." (Group 3)

"The private sector doesn't want to touch public cases due to low payments." (Group 3)

One person said that the Wisconsin state legislature is "beefing up mandates" to private funding of OWI treatment.

Main Findings

Most participants agreed that treatment and educational services should be provided to offenders while they are in jail. They said that mere jail time will not change offenders' behavior.

However, some pointed out that it is easy for prisoners to remain sober because they cannot get alcohol. The real test is the ability of the offender to remain sober, at least while driving, when back in the community. Post-confinement treatment is also very important for this reason.

Most, but not all, of the focus group members favored giving judges more discretion so that punishment and treatment/education could be tailored to fit the individual offender. One person said that now judges are not needed because sentencing OWI offenders "is nothing more than law reading." (Group 2) Another person said courts are "hamstrung" with minimums and maximums. Somebody noted that judges do not now have enough information to use increased discretion:

"If we give judges more discretion, we need to give judges more information. [Now] a judge has little information on an offender, especially when it changes." (Group 2)

One focus group member said judges should be more creative. He cited an Illinois judge who required offenders to live close to taverns.

However, some focus group members opposed more judicial discretion. They liked having more definite penalties in place. In addition, one person said that if judges had more discretion, offenders and their attorneys would go "judge shopping."

The Importance of Incarceration

Everybody agreed that the alternatives to incarceration, such as treatment and education, should be used in conjunction with jail time, not instead of it. Although some group members emphasized incarceration to varying degrees and sometimes did not agree on the proper sentences, every single participant agreed that incarceration needs to be in the mix of measures used to combat drunk driving.

There was consensus among focus group members that some incarceration is beneficial to second-time offenders. It "gets their attention." One person said that jail time can "scare them" so it is easier to "educate them." One person said jail time can convince offenders to get treatment:

"Jail is a slap and wakeup. Something needs to happen for them to get treatment." (Group 1)

One person said that, unlike fines that have little impact on wealthy offenders, jail time affects all offenders; he said the "number one leveler is jail."

A focus group participant said incarceration is most effective with the second-time offenders. One person said:

"Second offense—we get the most bang for our buck. It doesn't have to be long term. Third and fourth—it doesn't make a difference. We need treatment options. Incarceration gives diminishing returns." (Group 4)

Main Findings

However, although all focus group members favored some use of incarceration, very few focus group members suggested sending first-time offenders to jail.

There was a reluctance to incarcerate offenders needlessly. Some pointed to the high costs of incarceration and the lack of space in Wisconsin jails and prisons. Other focus group members pointed to the need to keep the offenders connected to their families, jobs, and communities. Several people favored home confinement, and some favored remote sobriety testing.

Many focus group members noted the expense of incarceration and lack of jail space. One person said:

“Numbers is the issue—jail space. It leads to mixed messages. Should a second offender be in jail? Someone else just robbed a bank.” (Group 4)

On the other hand, some focus group members said that drunk driving is a serious offense that warrants jail time—and complained that society did not view it as being serious enough. One person in Group 3 said that *“society views drunk driving as a far less serious offense than property crimes.”* Another person in Group 4 pointed to the potentially lethal consequences of drunk driving and said, *“I’m more concerned with a drunk driver killing me than getting my window smashed by a robber.”*

Most agreed that house arrest with electronic monitoring tends to work. One person cited a program of home detention in which approximately 95% of the offenders abided by the rules. One person whose jurisdiction uses Global Positioning System (GPS) said GPS works very well.

However, one person noted that with the problem drinker who has five or more OWI convictions, home detention with access to a vehicle is a time bomb waiting to explode. He said of offenders with five or more OWI convictions:

“The vast majority are heavy drinkers. They are constitutionally incapable of not drinking. If they have home detention and access to a vehicle, it is a time bomb.” (Group 3)

There was a consensus favoring giving offenders incentives for treatment and education, such as less jail time (but not eliminating jail time entirely). As one person said:

“Incarceration has to be a part of [the mix, but] treatment should mitigate it.” (Group 1)

One focus group member said that the threat of jail can influence an offender to cooperate in probation:

“Jail should be there as a component of probation. The judge needs to have more to hang over their head.” (Group 2)

Main Findings

Some focus group members said that using jail as a threat can encourage offenders to participate in education and/or treatment. For example, a judge could stay a sentence until the offender completes treatment and/or education. One person described a program in which offenders are not incarcerated while they are in the program. As long as they participate in the program, they stay out of jail, but if they violate the program's rules, they serve their entire sentence from the beginning, and "time on the bracelet" does not count as time already served.

Other focus group members said that a different approach has also worked: the offenders start in jail and must "work their way out" by participating in treatment and/or education. One person in Madison who had studied the behavior of prisoners said that "earning privilege" works better in influencing prisoners' behavior than taking away privileges for misbehavior.

Several focus group members said that punishment should be included in the mix of OWI measures because the public expects drunk drivers to be punished. The goal of retribution is important and should not be overlooked.

However, most were opposed to punishing first and second-time offenders to the point where they lost their jobs or were otherwise kept from being productive citizens. Some opposed long license suspensions, especially in rural areas, because they force the offenders to decide between driving without licenses and losing their jobs.

The Need for Intensive Probation and Case Management

Many focus group members pointed out that some offenders have long histories of addiction to alcohol or other drugs and that merely addressing the driving aspect of their problem would be unlikely to be successful.

They said case managers should involve the offender completely, including:

- Involve the offender's family
- Involve the offender's job
- Treat the whole person, not just the substance or alcohol abuse
- Include the offender's health, including mental health. Some drunk drivers are self-medicating and could be taking effective medication if their disease were diagnosed

Some participants noted that intensive supervision, with intensive case management, can work, even for multiple offenders. "Hand holding" can be successful for offenders who don't know what else to do.

Some mentioned using the offender's family and friends to help manage him or her. One person suggested requiring another person to sponsor an offender regaining a license. According to this person:

"'Concerned others' are a big part of multiple offenders' programs. [They say] 'why am I being punished?'" (Group 4)

Main Findings

Many focus group members said that probation should be restored to second-time offenders. They said that long-term monitoring could be helpful. Others said that third-time and fourth-time offenders were “perfect candidates” for probation.

Some thought that there is not enough long-term monitoring for drunk drivers. One person said:

“We don’t have long-term monitoring programs. There’s pretrial, but once [they are] sentenced, they are done. There’s no guardian angel—no case management. There is nothing in between their offenses.” (Group 1)

Some focus group members emphasized attacking the OWI problem from the perspective of transportation—find ways for offenders to get to and from work without driving. Use alternative transportation programs, such as Safe Ride.

Measures Aimed at the Vehicle

Generally, most focus group members spoke highly of Ignition Interlock Devices (IIDs), although they acknowledged that some offenders find ways around the devices. One person suggested making them less expensive so that more offenders could use them, thereby giving them more mobility, especially to go to work, while protecting the public.

The focus group members tended to be mixed on vehicle seizure. Some said it can be effective. One person said:

“You don’t need a license to drive, but you do need a car.” (Group 1)

But other focus group participants said the vehicles are frequently not worth seizing. One person said the typical seized vehicle is “a 1984 Nissan with 234,000 miles.” According to one person:

“Seizure is a losing proposition. There is no equity in it. It is not worth the time to go after the vehicle. It is more of a burden.” (Group 2)

However, somebody suggested that seizure might be effective for first-time offenders who tend to have better vehicles. But some focus group members said that judges are reluctant to seize expensive vehicles.

Some suggested seizing the vehicles even if they were owned by somebody else, were rented, or still had liens on them. Others pointed out that judges would be unlikely to approve seizing vehicles owned by third parties or those with liens on them, although some focus group members favored doing so. One person pointed out that the lending industry, the holders of the liens, would oppose any efforts to seize vehicles with liens. One focus group member said:

“It is not realistic to stiff the bank.” (Group 4)

In addition, they said the offenders simply drove other vehicles after theirs were seized. Some suggested prohibiting offenders from buying replacement vehicles, but others said it would be impossible to enforce such a law.

Main Findings

Nobody favored vehicle immobilization. Focus group members said that it was too much work to immobilize vehicles and that, again, offenders just obtained other vehicles. One person said:

“They find another junker, steal, or drive someone else’s. There are multiple cars in a family available to them. People [not vehicles] are the root cause.” (Group 4)

Interestingly, at least one person in each group suggested putting an IID in every car in the United States. They said doing that would reduce drunk driving. But they acknowledged that the American public would be unlikely to support such a measure.

License Suspensions and Revocations

There was consensus that sanctions aimed at driver’s licenses are seldom effective. They might have some impact on younger drivers and on conscientious first-time offenders, but the typical offender just drives without a license. One person in Madison summed up the limitation of license-oriented measures:

“The license is not the carrot to get them to do what we want.” (Group 3)

One person said that Administrative License Suspension “would be great if people obeyed it.” (Group 4)

Some participants pointed out that by denying driver’s licenses to offenders, the state is “forcing” the drivers to drive without licenses, which voids their auto insurance, which causes problems when there are accidents.

Some said that occupational licenses were often abused because of loopholes in the arrangements; for example, drivers are able to go places other than work or approved places. One person said that “occupational” licenses sometimes amount to 24 hour driving privileges. She said that the licenses should be “more precise on time.” However, nobody suggested eliminating occupational licenses.

Several focus group participants said that both vehicle seizure and driver’s license suspension and revocation share a problem—that offenders need to get to work. In urban areas, offenders usually have access to public transportation, but in rural areas, strict enforcement of prohibiting offenders from driving will result in them losing their jobs. Focus group members from rural counties said that case management should include “managing their [the offenders’] transportation to and from jobs.” (Group 3)

Fines

The focus group members said that increasing fines does not have much impact on drivers’ behavior. Most people are not deterred by the fines because they are not aware how large they are. Among the offenders who are fined, the wealthy simply pay the money without much pain, and the poor do not pay the fines because they do not have the money. One person suggested basing the fines on the income levels of the offenders.

Main Findings

Some focus group members said that high fines sometimes keep offenders from getting their lives together, so the fines have a deleterious effect. They noted that there are other financial costs to OWI convictions, such as increases in auto insurance costs, so the “official” fines are only part of the actual monetary penalties to the offenders.

One man suggested rebating fines over years in exchange for offenders staying sober, not driving drunk, or participating in treatment and/or educational programs. Doing this would give the offender an incentive to stay with the program:

“Use a high fee structure, and if you go three years [sober], you get \$1,500 plus interest....Everyone wants to get rewarded. The state says, ‘Thank you. Here’s some money.’” (Group 4)

Other Measures

The focus group members discussed other measures that could be taken to fight drunk driving. They were mixed on the value of community service. Some said that it is more work than it is worth to supervise offenders, and others said that service agencies, such as the Salvation Army, do not want offenders who are working involuntarily. However, other focus group members said they had used community service effectively. One person in Madison said he had successfully used offenders in public service for 8,000 hours of work.

One person said that working in hospitals or rehabilitation centers where victims are recovering from traffic accidents could be effective community service for drunk drivers, but cleaning litter from highways does not do much to reform the offenders. Another person suggested having offenders talk to students about drunk driving.

Focus group members spoke highly of Victim Impact Panels. They said they were effective on first and second-time offenders. Some suggested using Offender Impact Panels, in which offenders who have killed or hurt people talk with new OWI offenders. One problem with these panels is the difficulty of keeping them going.

Public humiliation, such as listing offenders’ names in the local newspapers, can work, especially for first-time or second-time offenders who still consider themselves to be upstanding citizens and are vulnerable to peer embarrassment. It would probably work better in rural areas where people tend to know each other better. One focus group member noted that public humiliation is less likely to work in a city, where people are more anonymous. *“Anonymity is the enemy of public safety.” (Group 3)*

Some, but not all, focus group members favored using special license plates (so-called zebra plates) to embarrass offenders and warn other motorists. A few suggested using “zebra” driver’s licenses, so that every time an offender used his or her license for identification, he or she would be reminded of the OWI offense and would announce his or her status as a “drunk driver.” Some saw “zebra” driver’s licenses as a way to diminish the anonymity of drunk drivers.

One person suggested imposing a tax on alcoholic beverages—a “liquor tax”—because alcohol causes the problem of drunk driving. Others in the discussion opposed that idea, saying that they did not think all drinkers should have to pay for the transgressions of a few drunk drivers.

Main Findings

Some favored more regulations on taverns to stop drunk driving, although one focus group member who had owned a tavern said it is very difficult for taverns to control drunk drivers. He said that he had installed a Breathalyzer in his tavern to help patrons know when they were too drunk to drive, but university students had used it for contests to see who could become the most drunk.

Some people suggested studying the effectiveness of Wisconsin programs and finding out what other states are doing. They said there is no point in “reinventing the wheel” over and over.

APPENDIX

RECRUITING SCREENER



Recruiting Screener

Group # _____
Functional Area _____

0401-4120-3
05/04/01 – 4

ALTERNATIVES TO INCARCERATION STUDY FOCUS GROUP RECRUITING SCREENER - MILWAUKEE

INTERVIEWER: _____ DATE: _____

INTERVIEWER: ASK TO SPEAK TO NAME ON LIST. IF THIS PERSON IS NOT AVAILABLE, ASK WHEN WOULD BE A GOOD TIME TO CALL BACK.

Hello, my name is _____ from The Dieringer Research Group, an independent marketing research company. We are a professional research organization that surveys the attitudes and opinions of professionals on various topics.

We have been contracted by the Wisconsin Department of Transportation to assist in the study and evaluation of various alternatives to incarceration for repeat drunk drivers. This study, a joint effort between the departments of corrections, health and family services, and transportation, is required by the 1999 Wisconsin Act 109, Section 88.

Your name has been provided as an expert candidate for this study from the **[INSERT FUNCTIONAL AREA FROM LIST]**.

1. Does this general functional area best describe your area of responsibility?

_____ Yes (**CHECK THE AREA UNDER #1. BELOW THEN SKIP TO #2.**)

_____ No (**PROCEED TO #1.1.**)

1.1. Which of the following functional areas best describe it? (**READ LIST.**)

#1.	#1.1.	Functional Area	
_____	_____	Law Enforcement	(CHECK QUOTA)
_____	_____	Legislative/Court System	
		-Defense	(CHECK QUOTA)
_____	_____	Legislative/Court System	
		-Prosecution	(CHECK QUOTA)
_____	_____	Government/Public Health	(CHECK QUOTA)
_____	_____	Social Services	(CHECK QUOTA)
_____	_____	Corrections	(CHECK QUOTA)
_____	_____	Education	(CHECK QUOTA)
_____	_____	Treatment/Counseling Programs	(CHECK QUOTA)
_____	_____	Probation/Parole Agents	(CHECK QUOTA)
_____	_____	Correctional Product Vendor	(CHECK QUOTA)
_____	_____	Advocate	(CHECK QUOTA)
_____	_____	Other _____	

(check quota. if both groups include a person from respondent's functional area, please thank and terminate. if respondent indicates an "other" functional area, please continue interview and then inform your supervisor immediately after the interview if the respondent plans to attend.)



Recruiting Screener

2. How long, in years, have you been involved in this area? _____ years
3. We are inviting a small group of people to participate in a research discussion on this topic. The discussion, led by a trained moderator, will consist of 8 to 10 people and will last for approximately an hour and a half. In return for your participation, we are offering \$75.00, which can be paid to you or donated to a charity of your choice.

(CHECK QUOTA SHEET AND INSERT APPROPRIATE TIME BELOW. IF BOTH GROUPS ARE OPEN FOR THIS FUNCTIONAL AREA, GIVE THE RESPONDENT A CHOICE OF TIMES. REMEMBER: ONLY ONE PERSON PER FUNCTIONAL AREA PER GROUP.)

The focus group will be held at *[insert time(s)]* on Wednesday, May 23rd at our offices, The Dieringer Research Group, at 3064 North 78th Street in Milwaukee. Would you be willing to participate?

- _____ Yes **(INDICATE GROUP NUMBER AND SKIP TO #4.)** _____ Group 1: Wed., May 23 at 6:00
_____ Group 2: Wed., May 23 at 8:00
- _____ No **(PROCEED TO #3.1.)**

3.1. Would you please explain why you are not willing to participate? **(DO NOT READ LIST.)**

- _____ Time/Date Conflicts **(PROCEED TO #3.2.)**
_____ Not Interested **(THANK AND TERMINATE)**
_____ All Other **(THANK AND TERMINATE)**

3.2. Is there someone else within your organization who is knowledgeable about alternatives to incarceration for repeat drunk driving which you would like to recommend to participate in your place?

- _____ Yes **(PROCEED TO #3.3)**
_____ No **(THANK AND TERMINATE)**

3.3. Please provide their name, title, and phone number.

Name (Mr. - Mrs. - Ms. - Dr.) [circle one] _____

Title _____

Company (if different) _____

Telephone (_____) _____

(DO NOT CALL THIS PERSON. THANK AND END INTERVIEW)



Recruiting Screener

4. We will send you a letter of confirmation and directions to The Dieringer Research Group within the next few days. We will contact you again with a reminder a day or two before the group.

I'd like to clarify your name and collect your mailing information.

PLEASE CLARIFY SPELLING ON FIRST AND LAST NAME.

Name (Mr. - Mrs. - Ms. - Dr.) [circle one] _____

Title _____

Company _____

Address _____

City _____ State _____ Zip Code _____

Telephone (_____) _____

Fax (_____) _____

E-mail _____

5. As mentioned before, we will pay you \$75.00 or we can donate the money to a charity of your choice. Which do you prefer or would you like to decide this later? **(DO NOT READ LIST.)**

_____ Receive money **(SKIP TO END INTERVIEW)**
_____ Donate to Charity **(PROCEED TO #5.1.)**
_____ Decide later **(SKIP TO END INTERVIEW)**

- 5.1. We can collect the organization's name now or at the focus group on May 23rd. Which do you prefer?

_____ Decide later **(SKIP TO END INTERVIEW)**
_____ Donate to:

Organization Name: _____

Address or City (if known): _____

END INTERVIEW:

Thank you for your time and we look forward to meeting you at *[insert time(s)]* on Wednesday, May 23rd.

Rescreened by: _____ Date: _____



APPENDIX

DISCUSSION GUIDELINE

Discussion Guideline

OWI FOCUS GROUP DISCUSSION GUIDELINE DOT, DOC, DHFS

I. WELCOME/EXPLANATION OF GROUP PROCESS:

- Explain purpose of group
- Be honest; you won't hurt my feelings
- Explain tape recording, one way mirror, video taping, people watching
- Stress no right or wrong answers; all opinions welcome
- Only one person talks at a time

II. INTRODUCTIONS:

- Introduce yourself
- First name and job description

III. BACKGROUND DISCUSSION:

- Explain Act 109 requirement to study alternatives to incarceration for repeat drunk driving
- We will discuss only the part of OWI that occurs after the drunk driver has been stopped—Not things like: .10 BAC v. .08 BAC
- Concentrate on repeat offenders
- What I want to know is:
 - WHAT THOUGHTS OR IDEAS DO YOU HAVE ON ALTERNATIVES TO INCARCERATION FOR REPEAT DRUNK DRIVING?

IV. THOUGHTS:

- Write down your thoughts on the piece of paper (give them about five minutes)
 - What did you write?

V. WHAT WORKS/WHAT DOESN'T WORK:

- In your opinion, what works?
- What does not work?
- What are the biggest obstacles to your fighting repeat OWI?
- What are the biggest helps to you in fighting repeat OWI?

Discussion Guideline

VI. WHAT HAVE YOU HEARD OR READ ABOUT IN OTHER STATES THAT MIGHT WORK IN WISCONSIN?

- What have you heard or read about in other states that would NOT work in Wisconsin?

VII. IF YOU WERE IN CHARGE OF DEVELOPING THE WISCONSIN PROGRAM FOR DEALING WITH CONVICTED IMPAIRED DRIVERS:

- What would you include in it?
- What would you definitely NOT include?

VIII. WHAT ARE YOUR OPINION OF THE FOLLOWING MEASURES:

1. Personal sanctions on the driver

- Incarceration
- Detention facilities
- Home confinement
- Intensive Supervision Probation
- Pretrial Intensive Supervision Program (ISP)
- Individualized sanctions
- Work release
- Public service work
- Restricted plea bargaining
- Fines
- Harsher sanctions for persistent OWI offenders
- Victim Impact Panels
- Other Personal Sanctions

2. Treatment and Education of the driver

- Treatment programs
- Dedicated OWI treatment facilities
- Use of Alcoholics Anonymous
- Diversion into education or treatment programs

3. Sanctions based on the driver's license

- Administrative license suspension (ALS)
- Harsher sanctions for offenders who drive after their license has been taken away

Discussion Guideline

4. Sanctions on the vehicle

- Seizure of the vehicle
- Disabling the vehicle
- Vehicle forfeiture
- Allowing the offender to drive under specified conditions.
- Use of an ignition interlock device (IID)
- Seizure of the license plates
- Use of special license plates on offenders' vehicles

5. Sentencing guidelines

- Tiered BAC limit, with greater sanctions for higher BAC
- Lower BAC limit for previous offenders
- Treat juvenile OWI offenders as adults and retain their OWI records
- Harsh penalties for refusal to take BAC test

6. Administrative supports to dealing with repeat OWI offenders

- Effective OWI tracking system to gather data on OWI
- Judicial OWI seminars
- Special OWI courts
- Court monitoring

IX. DO YOU HAVE ANY OTHER THOUGHTS, OPINIONS, OR IDEAS?